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OFFICE OF PETITIONS

In re Application of :
Polyak, et al. :
Application No. 09/976,804 :
Filed: October 12, 2001 :
Attorney Docket No. 053137-5001-01 :
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 13, 2005.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the non-final Office action mailed March 15, 2004. This Office action set a shortened statutory period for reply of three months. No extensions of time under 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 16, 2004. A Notice of Abandonment was mailed on December 2, 2004.

Petitioner has paid the petition fee, submitted the required reply in the form of an amendment, and made the proper statement of unintentional delay.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the \$510 extension of time fee submitted with the petition on May 13, 2005 was subsequent to the maximum period obtainable for reply (September 15, 2004), this fee has been refunded to petitioner's Deposit Account 23-2185.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

The application file is being forwarded to Group Art Unit 1651 for consideration of the amendment filed May 13, 2005.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

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